

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Norfolk Division

CENTRIPETAL NETWORKS, INC.,

Plaintiff,

v.

Civil Action No. 2:18-cv-94

CISCO SYSTEMS, INC.

Defendant.

ORDER

In preparation for the Rule 63 hearing scheduled for June 22-23 and 26-27, 2023, at 9:30 a.m. in Norfolk, Virginia, and considering the Joint Witness List and Proposed Scheduling Order Pursuant to Fed. R. Civ. P. 63 submitted by the parties, ECF No. 681-1, the Court sets forth the following:

I. PROPOSED SCHEDULE AND SCOPE OF DISCOVERY

A. Trial briefs. On May 26, 2023, each party shall submit a trial brief, not to exceed 30 pages, to present an overview of its claims or defenses. No responses shall be permitted.

B. Joint notice of undisputed issues and stipulations. On May 26, 2023, the parties shall jointly submit a notice of undisputed issues and stipulations.

C. Renewed proposed findings of fact and conclusions of law. On June 9, 2023, each party shall submit renewed proposed findings of fact and conclusions of law addressing the disputed issues regarding the parties' claims and defenses that the Court must decide, with record citations. The parties shall not file responses to the opposing party's renewed proposed findings of fact and conclusions of law.

D. Discovery. The parties have agreed to the following scope and timing of discovery, which the renewed proposed findings of fact and conclusions of law will address:

1. Cisco shall supplement its disclosures of financial information relating to the accused products by April 28, 2023. The parties shall meet and confer to address any issues that arise regarding this deadline.
2. Supplemental disclosures for each accused product shall be through the time period March 31, 2023 in the same format and containing the same data fields as its previous productions of such information in June 2020.

II. RULE 63 HEARING

A. Tutorials. Centripetal shall present its tutorial through Nenad Medvidovic, and Cisco will present its tutorial through Kevin Almeroth. The tutorials shall be presented through direct examination by counsel to provide the Court with an overview of network security, the accused products, and the patents-in-suit. Provided that the presentations by Drs. Medvidovic and Almeroth stay within the bounds of a tutorial, the tutorialists shall not be subject to cross-examination.

B. Recalled Fact Witnesses. The Court will, in its discretion, recall the following fact witnesses requested by Cisco. If recall of additional fact witnesses is warranted, the Court will supplement this Order.

- Michael Scheck
- David McGrew

C. Recalled Expert Witnesses. No expert witnesses shall be recalled at this time. The Court recognizes that Centripetal has reserved the right to recall its damages expert, Lance Gunderson, to provide the Court with updated damages calculations, and that Cisco has reserved

the right to recall its damages expert, Stephen Becker, to provide rebuttal testimony. The parties shall file a status report with the Court by May 15, 2023 indicating whether an agreed stipulation has been reached obviating the need to call these witnesses. If recall of expert witnesses is warranted, the Court will supplement this Order.

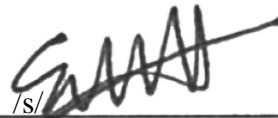
D. Witnesses whose testimony is no longer relevant. The parties have agreed that the testimony of Dr. Kevin Jeffay is no longer relevant and need not be considered by the Court.

E. Parties' stipulation regarding all other witnesses. The Court recognizes that the parties have stipulated that any credibility determinations regarding any witnesses other than those identified in Section II(B)-(D) above can be made based solely on the existing trial record.

III. SUMMARY OF PROPOSED SCHEDULE

Description	Date
Cisco's production of damages-related discovery through 3/31/2023	April 28, 2023
Joint stipulation, if agreed, regarding whether the parties will recall Mr. Gunderson or Dr. Becker	May 15, 2023
Joint notice of undisputed issues and stipulations	May 26, 2023
Trial briefs by each party	May 26, 2023
Renewed Findings of Fact and Conclusions of Law, with record citations, by each party	June 9, 2023
Rule 63 Hearing	June 22-23, 26-27, 2023 9:30 A.M. Norfolk, VA

It is so ORDERED.



Elizabeth W. Hanes
United States District Judge

Norfolk, Virginia
Date: March 7, 2023